

21707 U.S. PTO  
 10/623328  
 07/18/03

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>	Attorney Docket No.	98-15 D1	Total Pages	98
	First Named Inventor or Application Identifier			
	LATTNER et al.			
	Title	Intraoral Electromuscular Stimulation Device and Method		
(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))		Express Mail Label No. EV 196251663 US		

<b>APPLICATION ELEMENTS</b> <small>See MPEP chapter 600 concerning utility patent application contents.</small>	<b>ADDRESS TO:</b> Commissioner for Patents Box Patent Application Washington, DC 20231
--	---

<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form  <small>(Submit an original, and a duplicate for fee processing)</small></p> <p>2. <input checked="" type="checkbox"/> Specification [Total Pages 60]  <small>(preferred arrangement set forth below)</small>          -Descriptive Title of the Invention          -Cross References to Related Applications          -Statement Regarding Fed sponsored R &amp; D          -Background of the Invention          -Brief Summary of the Invention          -Brief Description of the Drawings (if filed)          -Detailed Description          -Claim(s)          -Abstract of the Disclosure</p> <p>3. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. § 113) [Total Sheets 7]</p> <p>4. <input checked="" type="checkbox"/> Oath or Declaration [Total Pages 2]          a. <input type="checkbox"/> Newly executed (original or copy)          b. <input checked="" type="checkbox"/> Copy from a prior application (37 C.F.R. § 1.63(d))  <small>(for continuation/divisional with Boxes 19 and 20 completed)</small>  <small>[Note Box 5 below]</small>              i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b>  <small>Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).</small>          c. <input type="checkbox"/> Unsigned</p> <p>5. <input checked="" type="checkbox"/> Incorporation By Reference <small>(useable if Box 4b is checked)</small>  <small>The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.</small></p> <p>6. <input checked="" type="checkbox"/> Application Data Sheet per 37 C.F.R. § 1.76  <small>[Total Pages 3]</small></p>	<p>7. <b>DOMESTIC/INTERNATIONAL</b> priority is claimed under 35 U.S.C. § 119(e)/120/365(c) based on the following provisional, nonprovisional, and/or PCT international applications.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Application No.</th> <th style="text-align: center;">Filing Date</th> </tr> </thead> <tbody> <tr> <td>(1)</td> <td>09/817,434</td> <td>March 26, 2001</td> </tr> <tr> <td></td> <td>09/436,857</td> <td>November 9, 1999</td> </tr> <tr> <td>(2)</td> <td>60/108,408</td> <td>November 13, 1998</td> </tr> </tbody> </table> <p>8. <input checked="" type="checkbox"/> Prior application is assigned to <u>Respironics, Inc.</u> by Assignment recorded <u>November 9, 1999</u> Reel <u>010391</u> Frame(s) <u>0896</u>.</p>		Application No.	Filing Date	(1)	09/817,434	March 26, 2001		09/436,857	November 9, 1999	(2)	60/108,408	November 13, 1998
	Application No.	Filing Date											
(1)	09/817,434	March 26, 2001											
	09/436,857	November 9, 1999											
(2)	60/108,408	November 13, 1998											

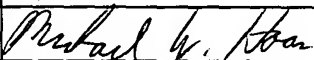
<p>9. <input type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))  <small>(Please return recorded assignment to the undersigned)</small></p> <p>10. <input type="checkbox"/> 37 C.F.R. § 3.73(b) Statement <input type="checkbox"/> Power of Attorney  <small>(when there is an assignee)</small></p> <p>11. <input type="checkbox"/> English Translation Document <small>(if applicable)</small></p> <p>12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>13. <input checked="" type="checkbox"/> Preliminary Amendment <small>(to be entered before calculating fees)</small></p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard  <small>(Should be specifically itemized)</small></p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s)  <small>(if foreign priority is claimed)</small></p> <p>16. <input checked="" type="checkbox"/> Certificate of Mailing by Express Mail</p> <p>17. <input type="checkbox"/> Non-publication Request and Cert. under 35 U.S.C. § 122(b)(2)(B)(i) (attach copy of RI-186 Form (PTO/SB/35)).</p> <p>18. <input type="checkbox"/> Other: _____</p>	<p>19. If a <b>CONTINUING APPLICATION</b>, check appropriate box and supply the requisite information:  <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No. <u>09/817,434</u>          Prior application Information: Examiner: <u>Evanisko, G.</u> Group/ArtUnit: <u>3762</u></p> <p>20. Please amend the specification by inserting before the first line the sentence: This is a <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No. _____</p>
--	--

<b>21. CORRESPONDENCE ADDRESS</b>	
Customer No. and Bar Code Label.	 <b>30031</b> <small>PATENT TRADEMARK OFFICE</small>

Name	Michael W. Haas	Reg. No.	35,174
Signature		Date	July 18, 2003

<b>FEE TRANSMITTAL</b> (Effective 01/01/2003)		Application Number	Not Yet Assigned
		Filing Date	July 18, 2003
		First Named Inventor	LATTNER et al.
		Confirmation Number	Unknown
		Group Art Unit	Unknown
"Express Mail" Label No. EV 196251663 US		Examiner's Name	Unknown
TOTAL AMOUNT OF PAYMENT	\$ 834.00	Attorney Docket No.	98-15 D1

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																																								
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: <u>50-0558</u> Deposit Account Name: <u>Respironics, Inc.</u> <input checked="" type="checkbox"/> Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17 and 1.20 <input type="checkbox"/> Charge the Issue Fee set forth in 37 C.F.R. § 1.18	<b>3. ADDITIONAL FEES</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or declaration</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1811</td><td>100</td><td>1811</td><td>100</td><td>Certificate of Correction</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>576</td><td>25</td><td>576</td><td>25</td><td>Additional filing receipt, duplicate or corrected due to applicant error</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for response within first month</td><td></td></tr> <tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for response within second month</td><td></td></tr> <tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for response within third month</td><td></td></tr> <tr><td>1254</td><td>1,450</td><td>2254</td><td>725</td><td>Extension for response within fourth month</td><td></td></tr> <tr><td>1255</td><td>1,970</td><td>2255</td><td>985</td><td>Extension for response within fifth month</td><td></td></tr> <tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive unavoidably abandoned application</td><td></td></tr> <tr><td>1453</td><td>1,300</td><td>2453</td><td>650</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr> <tr><td>1501</td><td>1,300</td><td>2501</td><td>650</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>470</td><td>2502</td><td>235</td><td>Design issue fee</td><td></td></tr> <tr><td>1814</td><td>110</td><td>2814</td><td>55</td><td>Statutory Disclaimer</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Sumi</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of property)</td><td></td></tr> <tr><td>1809</td><td>750</td><td>2809</td><td>375</td><td>Filing a submission after final rejection (37 C.F.R. § 1.129(a))</td><td></td></tr> <tr><td>1801</td><td>750</td><td>2801</td><td>375</td><td>Request for Continued Examination</td><td></td></tr> <tr><td colspan="5">Other Fee (specify) _____</td><td></td></tr> </tbody> </table>	Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	1051	130	2051	65	Surcharge - late filing fee or declaration		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1811	100	1811	100	Certificate of Correction		1812	2,520	1812	2,520	For filing a request for reexamination		576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for response within first month		1252	410	2252	205	Extension for response within second month		1253	930	2253	465	Extension for response within third month		1254	1,450	2254	725	Extension for response within fourth month		1255	1,970	2255	985	Extension for response within fifth month		1401	320	2401	160	Notice of Appeal		1402	320	2402	160	Filing a brief in support of an appeal		1403	280	2403	140	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive unavoidably abandoned application		1453	1,300	2453	650	Petition to revive unintentionally abandoned application		1501	1,300	2501	650	Utility issue fee (or reissue)		1502	470	2502	235	Design issue fee		1814	110	2814	55	Statutory Disclaimer		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Petitions related to provisional applications		1806	180	1806	180	Submission of Information Disclosure Sumi		8021	40	8021	40	Recording each patent assignment per property (times number of property)		1809	750	2809	375	Filing a submission after final rejection (37 C.F.R. § 1.129(a))		1801	750	2801	375	Request for Continued Examination		Other Fee (specify) _____					
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																				
1051	130	2051	65	Surcharge - late filing fee or declaration																																																																																																																																																																					
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																					
1811	100	1811	100	Certificate of Correction																																																																																																																																																																					
1812	2,520	1812	2,520	For filing a request for reexamination																																																																																																																																																																					
576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error																																																																																																																																																																					
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																					
1251	110	2251	55	Extension for response within first month																																																																																																																																																																					
1252	410	2252	205	Extension for response within second month																																																																																																																																																																					
1253	930	2253	465	Extension for response within third month																																																																																																																																																																					
1254	1,450	2254	725	Extension for response within fourth month																																																																																																																																																																					
1255	1,970	2255	985	Extension for response within fifth month																																																																																																																																																																					
1401	320	2401	160	Notice of Appeal																																																																																																																																																																					
1402	320	2402	160	Filing a brief in support of an appeal																																																																																																																																																																					
1403	280	2403	140	Request for oral hearing																																																																																																																																																																					
1451	1,510	1451	1,510	Petition to institute a public use proceeding																																																																																																																																																																					
1452	110	2452	55	Petition to revive unavoidably abandoned application																																																																																																																																																																					
1453	1,300	2453	650	Petition to revive unintentionally abandoned application																																																																																																																																																																					
1501	1,300	2501	650	Utility issue fee (or reissue)																																																																																																																																																																					
1502	470	2502	235	Design issue fee																																																																																																																																																																					
1814	110	2814	55	Statutory Disclaimer																																																																																																																																																																					
1460	130	1460	130	Petitions to the Commissioner																																																																																																																																																																					
1807	50	1807	50	Petitions related to provisional applications																																																																																																																																																																					
1806	180	1806	180	Submission of Information Disclosure Sumi																																																																																																																																																																					
8021	40	8021	40	Recording each patent assignment per property (times number of property)																																																																																																																																																																					
1809	750	2809	375	Filing a submission after final rejection (37 C.F.R. § 1.129(a))																																																																																																																																																																					
1801	750	2801	375	Request for Continued Examination																																																																																																																																																																					
Other Fee (specify) _____																																																																																																																																																																									
<b>FEE CALCULATION (fees effective 10/01/00)</b> <b>1. FILING FEE</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1001 750</td><td>2001 375</td><td>Utility filing fee</td><td>750.00</td></tr> <tr><td>1002 330</td><td>2002 165</td><td>Design filing fee</td><td></td></tr> <tr><td>1003 520</td><td>2003 260</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004 750</td><td>2004 375</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005 160</td><td>2005 80</td><td>Provisional filing fee</td><td></td></tr> <tr><td colspan="3" style="text-align: right;"><b>SUBTOTAL (1)</b></td><td><b>\$ 750.00</b></td></tr> </tbody> </table>	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	1001 750	2001 375	Utility filing fee	750.00	1002 330	2002 165	Design filing fee		1003 520	2003 260	Plant filing fee		1004 750	2004 375	Reissue filing fee		1005 160	2005 80	Provisional filing fee		<b>SUBTOTAL (1)</b>			<b>\$ 750.00</b>																																																																																																																																													
Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																						
1001 750	2001 375	Utility filing fee	750.00																																																																																																																																																																						
1002 330	2002 165	Design filing fee																																																																																																																																																																							
1003 520	2003 260	Plant filing fee																																																																																																																																																																							
1004 750	2004 375	Reissue filing fee																																																																																																																																																																							
1005 160	2005 80	Provisional filing fee																																																																																																																																																																							
<b>SUBTOTAL (1)</b>			<b>\$ 750.00</b>																																																																																																																																																																						
<b>2. CLAIMS</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1202 18</td><td>2202 9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201 84</td><td>2201 42</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203 280</td><td>2203 140</td><td>Multiple dependent claim</td><td></td></tr> <tr><td>1204 84</td><td>2204 42</td><td>Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205 18</td><td>2205 9</td><td>Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr><td colspan="3" style="text-align: right;"><b>SUBTOTAL (2)</b></td><td><b>\$ 84.00</b></td></tr> </tbody> </table>	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	1202 18	2202 9	Claims in excess of 20		1201 84	2201 42	Independent claims in excess of 3		1203 280	2203 140	Multiple dependent claim		1204 84	2204 42	Reissue independent claims over original patent		1205 18	2205 9	Reissue claims in excess of 20 and over original patent		<b>SUBTOTAL (2)</b>			<b>\$ 84.00</b>																																																																																																																																													
Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																						
1202 18	2202 9	Claims in excess of 20																																																																																																																																																																							
1201 84	2201 42	Independent claims in excess of 3																																																																																																																																																																							
1203 280	2203 140	Multiple dependent claim																																																																																																																																																																							
1204 84	2204 42	Reissue independent claims over original patent																																																																																																																																																																							
1205 18	2205 9	Reissue claims in excess of 20 and over original patent																																																																																																																																																																							
<b>SUBTOTAL (2)</b>			<b>\$ 84.00</b>																																																																																																																																																																						
<b>SUBTOTAL (3)</b> <b>\$ 0.00</b>																																																																																																																																																																									

<b>SUBMITTED BY</b>			
Typed or Printed Name	Michael W. Haas	Reg. Number	35,174
Signature		Date	July 18, 2003
		Deposit Account Number	50-0558

## Certificate of Mailing by "Express Mail"

EV 196251669 US

"Express Mail" label number

July 18, 2003

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450.

\_\_\_\_\_  
Signature of person mailing correspondence

Michael W. Haas

\_\_\_\_\_  
Typed or printed name of person mailing correspondence

Note: Each paper must have its own certificate of mailing by "Express Mail".